

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Status of Claims:

No claims are currently being cancelled.

Claims 23 is currently being amended.

Claims 24-26 are currently being added.

This amendment and reply amends and adds claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending and adding the claims as set forth above, claims 1-21 and 23-26 are now pending in this application.

Claim Rejections – Prior Art:

In the Office Action, claims 1-21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2003/0069844 to Koren (“Koren”) in view of “Periphonics Partners with T-Netix to Enhance Automated Transaction Processing Services with Voice Verification Capabilities” (“Capabilities”); and claim 23 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Koren in view of Capabilities and further in view of U.S. Patent No. 5,940,476 to Morganstein et al. These rejections are traversed for at least the reasons given below.

The Office Action correctly recognizes that Koren fails to disclose the features recited in the last paragraph of claim 1, but the Office Action incorrectly asserts that those features are taught by the Capabilities reference.

In particular, please note that the features recited in the last paragraph of claim 1 are performed in a case in which the user terminal denies payment of an order corresponding to an order ID at a later point in time. In that regard, a person has previously performed a transaction that resulted in the order ID, whereby a user currently using the user terminal has denied payment of that order, due to fraud or some other thing. Thus, it is not the issue of

having a user make an order and providing his/her authenticating data that is relevant here, but rather a process that checks whether or not the previously-entered order was made by a proper person.

Paragraph 0114 of Koren describes the use of a voice analyzer that may receive voice communications from a user who is accessing the system, whereby the voice analyzer may identify a calling user's voice based on information stored in a database. This is clearly relevant to the time when a person is engaging in a transaction, by way of a user terminal, and it is not relevant to a later point in time when a current user of the user terminal has denied payment of that previously-made transaction.

The Capabilities reference does not rectify the above-mentioned deficiencies of Koren. Page 2 of the Capabilities reference describes that a user is required to pre-record a spoken password, whereby the user is identified by speaking that same password each time they will to access secure information and services. Page 2 of the Capabilities reference also states that a caller is prompted to voice verify their identity, to determine whether access should be approved or denied. Like paragraph 0114 of Koren, this corresponds to the point in time when the transaction was made, and not to a later point in time when payment of the transaction has been denied by a current user of the user terminal.

Accordingly, presently pending claims 1-21 are patentable over the combined teachings of Koren and the Capabilities reference.

With respect to claim 23, the Office Action incorrectly asserts that Morganstein et al. teaches the features recited in that claim. In particular, claim 23 recites that a voice recognition specialist compares the first voice data to the second voice data. Please note the use of the word "specialist", which clearly connotes a person, a human, that makes this comparison. Morganstein et al., on the other hand, describes that a data communication system compares utterance information, whereby this data communication system is clearly not a human, but rather a computer that executes software to perform such a comparison.

Accordingly, claim 23 is patentable over the combined teachings of Koren, the Capabilities reference, and Morganstein et al.

New Claims:

New claims 24-26 have been added to recite additional features of the present invention that are believed to provide a separate basis of patentability for these claims, beyond the reasons given above for their respective base claims and intervening claims.

Conclusion:

Since all of the issues raised in the Office Action have been addressed in this Amendment and Reply, Applicant believes that the present application is now in condition for allowance, and an early indication of allowance respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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By

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